

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

The State of KANSAS, the State of NORTH DAKOTA, the State of ALABAMA, the State of ARKANSAS, the State of FLORIDA , the State of IDAHO, the State of INDIANA, the State of IOWA, the Commonwealth of KENTUCKY, the State of MISSOURI, the State of MONTANA, the State of NEBRASKA, the State of NEW HAMPSHIRE, the State of OHIO, the State of SOUTH CAROLINA, the State of SOUTH DAKOTA, the State of TENNESSEE, the State of TEXAS, and the Commonwealth of VIRGINIA,

Plaintiff,

v.

UNITED STATES OF AMERICA and the
CENTERS FOR MEDICARE & MEDICAID
SERVICES,

Defendants.

CIVIL ACTION NO. 1:24-cv-00150-DMT-CRH

DECLARATION OF CLAUDIA MOYA LOPEZ

I, Claudia Moya Lopez, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I was born in 1992 in Ahuachapan, El Salvador and currently live in Chesterfield, Virginia.
2. In 2003, at the age of 11, my mother brought me to the United States because she was being threatened. I was too young at the time to understand why she brought

me to this country or why I could not go back to see my grandmother and other family back in El Salvador.

3. But I grew up in Virginia and soon began to think of Virginia as my home. My mom supported us, and I went to school. I only learned that I was undocumented when I was selected to go on a school trip abroad when I was 14. My mother explained that I could not travel due to my status. I was crushed, as I'd always dreamed of seeing the world, but that seemed impossible because of my status.
4. After high school, I could not afford to go to college, but wanted to better educate myself and improve my circumstances. I initially completed a medical assistant program, but found that I could be more successful as a small business owner.
5. Today, I continue to make my home in Virginia and own a roofing company here. I have filed taxes every year that I have been eligible, and I intend to do so this year and in future years. In my spare time, I volunteer at my church by teaching bible programs and helping to clean.
6. I am also married and have two wonderful children who were born here in Virginia. My mom and siblings, all of whom are permanent residents or US citizens today, also continue to live in Virginia.
7. I am a member of CASA Virginia.
8. I applied for Deferred Action for Childhood Arrivals ("DACA") with U.S. Citizenship and Immigration Services (USCIS) in 2015, was approved and received work authorization right away, as USCIS found me to be deserving of

deferred action. My DACA status and work authorization is current and has never lapsed.

9. As a small businessowner, I do not have access to employer-based health insurance and cannot currently afford to purchase coverage for myself. When I started my own roofing company, I could not cover my expenses due to the cost of starting the business. I am more established now, but private insurance is still out of reach because of its extreme cost.
10. Access to health care is especially important to me because, last year, I was diagnosed with leukemia. I was not feeling well, so I reached out to an organization that provides safety net care for uninsured or underinsured people. I was told I was lucky to get an appointment, as they were very busy. I had a check-up screening, and the doctor who saw me drew my blood and the next morning told me to go to my nearest emergency room. At the hospital, I was diagnosed with a rare form of leukemia - acute promyelocytic leukemia (APL). I was shocked. I had to follow-up at another hospital with many specialists and ultimately had to be hospitalized for 5 weeks to get the treatments I needed, immediately.
11. Throughout this time, I was very anxious about not only my health, but my ability to pay. My emergency room stay was covered by emergency Medicaid, but my cancer treatment was not. The hospital staff looked into options based on my income, but I was not eligible for many programs because my savings was too

high to qualify for low-income care. Because I own my own business, the medical stay limited my ability to work and build up my savings.

12. In the end, I was very fortunate that the hospital decided to cover the cost of my cancer treatment itself. However, cost remains a concern. There is still a debt listed on my bill that is larger than my income and over half of my savings.
13. I finished treatment in November 2023. My biopsy thankfully came back clear, so I am now cancer-free. But I need regular blood tests – at least every three months for at least three years – to monitor for potential recurrence. I am very grateful that the hospital has offered to provide me with one year of free check-ups, but I still don't know how I will afford the medical care I need after that.
14. My lack of access to health insurance has been a source of constant worry. When I was going through treatment for my leukemia, I felt like I was at the mercy of whoever would help me. My husband was willing to do anything to help me get access to treatment, even selling the house that my family lives in. We were lucky that we did not have to do that this time, but I always worry about the next medical incident.
15. Having access to affordable care would give me and my family so much more stability. It is very difficult to prepare for possible medical expenses out-of-pocket, especially as a small business owner. I dream of going to college, saving for my children's college education, taking my children to visit my home country, and maybe even purchasing a house in my home country. But instead of putting

money towards my future and my family, I am always saving up for health expenses and unexpected medical emergencies. If my cancer returns, I am not sure how I would be able to afford treatment, especially if I am too ill to operate my business.

16. When I heard about the Final Rule, I was so relieved. I have been waiting for it to come into effect so that I can immediately apply. Based on my current income, I would qualify for the ACA marketplace health plans in Virginia's Insurance Marketplace under the Final Rule. My Adjusted Net Income was approximately \$45,000 in 2023. I expect to make a similar amount in 2024 and 2025.
17. If I could purchase a qualified health insurance plan through the ACA and Virginia's Insurance Marketplace, it would change my life completely because I would be able to get coverage for the blood tests I will need over the next several years. I would also be able to live without constant fear of needing a medical treatment I can't afford or needing to take on significant debt if my cancer returns or the doctors find any other health issues.
18. I learned about this lawsuit challenging the rule, and I wanted to share my experience and the injury not having access to enroll in the ACA and Virginia's Insurance Marketplace causes in my life. If the implementation of the Final Rule is delayed because of this lawsuit, I will be directly harmed. Every day that I am unable to afford insurance, I am concerned about how I will pay for the medical care I need to stay alive and be around for my kids. If the Final Rule is delayed, it

will cause me significant anxiety about my health and my family's future.

19. Even without the Final Rule and access to the ACA and Virginia's Insurance Marketplace, I plan to continue living in Virginia because this is the only home that I know. Everything I know is here—my husband, children, mom, siblings, home, and business. But if I had access to insurance through the ACA and Virginia's Insurance Marketplace, I could live a more happy, healthy, financially stable, and productive life, saving for my future career goals and my children's education.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: September 19, 2024

Respectfully submitted,



Claudia Moya Lopez